IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No. 30110 of 1998

Between:

G. Pandurangam, S/o Mallaiah, R/o Secunderabad.

..... PETITIONER

AND

1 Commissioner for Cooperation and

Registrar of Cooperative Societies A.P., Hyderabad.
2 South Central Railway Employees Cooperative Credit

Societies Ltd., rep by its Secretary, Secunderabad.
3 Financial Advisor and Chief Accounts

Officer (Construction), South Central Railway, Secunderabad

(President, M/s. South Central Railway Employees Credit

Cooperative Societies Ltd.,) Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue a writ of Mandamus or any other appropriate writ declaring that the action of the respondents in purporting to retire the petitioner from service on attainment of 58 years of age contrary to Clause 17 of the Service conditions and the recommendations of the 5th commission adopted by Government of India and the Railway Board's letter dated 14-5-1998 (dt, 20.5.98) and further declare that the petitioner is entitled to continue in service till attainment of 60 years of age and direct the respondent to continue the petitioner inservice as Office Superintendent Gr. I till attainment of 60 years of age allowing all consequential benefits and grant such other reliefs as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr. V.VENKATARAMANA

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for the Respondent No.2: Mr. K. RAMANUJACHARI

Counsel for the Respondent No.3: None appeared

The Court made the following :

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in retiring the petitioner from service on attaining the age of 58 years contrary to Clause (17) of the service Conditions and the Recommendations of the V Pay Commission as adopted by the Government of India and the Railway Board through letter dated 14-5-1998 as arbitrary and illegal, and consequently to declare that the petitioner is entitled to continue in service till he attains the age of 60 years.

It is the case of the petitioner that he is an employee of the 2nd respondent-society and entitled to be continued in service till he attains the age of 60 years on par with the employees of South Central Railway, whose age of superannuation is 60 years consequent on the acceptance of recommendations of the V Pay Commission by the Government of India and Railway Board.

Heard both sides and perused the entire material made available on record.

It is not in dispute that the 2nd respondent Society is registered under the Andhra Pradesh Cooperative Societies Act (Hyderabad Cooperative Societies Act). Now it is deemed to have been registered under the Multi State Cooperative Societies Act,2002. It is admitted that the petitioner is the employee of the 2nd respondent-society. Since the 2nd respondent-society was registered under the A.P. Cooperative Societies Act or deemingly under the Multi State Cooperative Societies Act, it is not a 'State' within the ambit of Article 12 of the Constitution of India. Hence, the Writ Petition is not maintainable and as such, liable to be dismissed.

Accordingly, the Writ Petition is dismissed as not maintainable. However, this order will not preclude the petitioner from working out his remedies as available under law. No order as to costs.

21-6-2005

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Commissioner for Cooperation and

Registrar of Cooperative Societies, A.P., Hyderabad.
2 The Secretary, South Central Railway Employees Cooperative Credit

Societies Ltd., Secunderabad.
3 Financial Advisor and Chief Accounts

Officer (Construction), South Central Railway, Secunderabad

(President, M/s. South Central Railway Employees Credit

Cooperative Societies Ltd.,) Secunderabad.

4 2 CCs to Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

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